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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 09/940,321   | 08/27/2001  | Eric Lapuyade        | PALM-3689              | 5093             |
| 49637  | 7590        | 08/31/2005           | EXAMINER               |                  |
| BERRY & ASSOCIATES P.C.<br>9255 SUNSET BOULEVARD<br>SUITE 810<br>LOS ANGELES, CA 90069 |             |                      | LEROUX, ETIENNE PIERRE |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 2161                   |                  |

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/940,321             | LAPUYADE ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Etienne P LeRoux       | 2161                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 14 June 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-3,5,7-10,13-19 and 21-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5,7-10,13-19 and 21-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .



***Continued Examination***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/14/2005 has been entered.

***Claim Status:***

Claims 1-3, 5, 7-10, 13-19 and 21-23 are pending; claims 4, 6, 11, 12, and 20 have been cancelled. Claims 1-3, 5, 7-10, 13-19 and 21-23 are rejected as detailed below.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5, 7-10, 13-19 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “the display time zone is established by receiving a message indicating that a time zone change has occurred and the establishing of the display time zone further comprises receiving an input from a user confirming a change in time zone.” The scope of the invention is difficult to ascertain because it is unclear exactly what comprises the display time zone. In particular, is the display time zone related to the current time zone or some other time

zone? Furthermore, it is unclear if the display time zone is related to the message that a time zone change has occurred? For purposes of this Office Action, it is assumed that a user selects a time zone for the display time zone.

Claims 9 and 19 include limitations similar to the above and are thus rejected on the same basis as claim 1.

Claims 2, 3, 5, 7, 8, 10, 13-18 and 21-23 are rejected for being dependent from a rejected base claim.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 13, 14, 16, 18, 19, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,845,257 issued to Fu et al (hereafter Fu).

#### **Claim 9:**

Fu discloses:

a programmed processor [col 2, lines 17-29]

a display [Fig 15A]

a calendar application running on the programmed processor to store an event associated with a duration of time in which said event is to take place for a first time zone, the calendar application further operating to [staff meeting, local time, Fig 15A]:

store an event time zone attribute associated with the first time zone [staff meeting, local time, Fig 15A]

store a display time zone wherein said display time zone is user customizable and independent of events associated with said calendar application [user selected type of time, col 2, lines 42-44]

translate the duration of time associated with the event from the stored time zone attribute to the display time zone to produce a translated duration of time [Fig 15A, Hong Kong stock market close displayed in local time] and

wherein said display is for displaying the event as occurring at the translated block of time on the display [Fig 15A, Hong Kong stock market close displayed in local time]

Claim 10:

Fu discloses a daily time grid [Fig 15A].

Claim 13:

Fu discloses wherein the display time zone is established by a user selection through a user interface element [Fig 15A].

Claim 14:

Fu discloses wherein said calendar application is further operable to establish the display time zone by a user selection from a display time zone user interface element forming part of the user interface [user selected type of time, col 2, lines 40-45]

Claim 16:

Fu discloses wherein said calendar application is further operable to establish the event time zone by a user selection from an event time zone user interface element forming part of the user interface [Fig 15A]

Claim 18:

Fu discloses wherein the display time zone is associated with a first difference between the display time zone and the Greenwich Mean Time; and wherein the event time zone is associated with a second difference between the event time zone and Greenwich Mean Time; and wherein the translating comprises finding a difference between the first and the second difference [Fig 15B].

Claim 19:

Fu discloses:

a programmed processor [col 2, lines 17-29]

a display [Fig 15A]

a user interface [Fig 15A]

a calendar application running on the programmed processor to store an event associated with a block of time [staff meeting, local time, Fig 15A], the calendar application further operating to:

store an event time zone attribute associated with the first time zone [staff meeting, local time, Fig 15A]

establish a display time zone by receiving a message indicating that a time zone change has occurred, and receiving an input from a user confirming a change in time zone [Fu: Figs 5A-B, col 5, lines 28-50, col 4, lines 55-65, col 2, lines 40-43, the system may show events and

appointments in the user's own local time (or other user-selected type of time) regardless of where the user presently is].

store a display time zone wherein said display time zone is user customizable and is independent of events associated with said calendar application [user selected type of time, col 2, lines 42-44].

wherein said display is for displaying the event as occurring at the translated block of time on the display [Fig 15A, Hong Kong stock market close displayed in local time]

wherein the display time zone is established by a user from a display time zone user interface forming part of the user interface [user manually changes time zone, col 19, line 50]

wherein the event time zone is established by a user selection from an event time zone user interface element forming part of the user interface [Fig 15A, user enters event time under home, local or remote time displays]

Claim 21:

Fu discloses wherein the event time zone user interface element forming part of the user interface comprises an event time zone menu [Fig 15A, user enters home time or remote time]

Claim 23:

Fu discloses wherein the display time zone is associated with a first difference between the display time zone and Greenwich Mean Time, and wherein the event time zone is associated with a second difference between the event time zone and Greenwich Mean Time and wherein the translating comprises finding a difference between the first difference and the second difference [Fig 15B, Fig 9, col 6, lines 28-45]

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu in view of Pub No US 2002/0116541 issued to Parker et al (hereafter Parker), as best examiner is able to ascertain.

**Claim 1:**

Fu discloses:

storing an event, said event comprising a start time based on a first time zone [Fig 15A, home/local time zone]

establishing a display time zone wherein said display time zone is user customizable and independent of events user selected type of time, col 2, lines 42-44] associated with said calendar application [Fig 15A, local time zone]

translating the start time from said first time zone to the display time zone to produce a translated start time [Fig 15A, Hong Kong stock market close translated from 4:50PM remote time to 1:50 pm local time]

displaying the event as occurring at the translated start time [Fig 15A]

Fu discloses the essential elements of the claimed invention as noted above but fails to disclose an event comprising an end time. Parker discloses an event comprising an end time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Fu to include an event comprising an end time as taught by Parker for the purpose of providing more complete details regarding an event. The skilled artisan would have been motivated to modify Fu per the above such that the user is able to more accurately plan his/her events by including both the start time and the end time.

The combination of Fu and Parker discloses the essential elements of the claimed invention as noted above and furthermore, discloses the display time zone is established by receiving a message indicating that a time zone change has occurred [Fu: Figs 5A-B, col 5, lines 28-50]

The combination of Fu and Parker discloses the essential elements of the claimed invention as noted above and furthermore, discloses the establishing of the display time zone further comprises receiving an input from a user confirming a change in time zone [Fu: Figs 5A-B, col 5, lines 28-50, col 4, lines 55-65, col 2, lines 40-43, the system may show events and appointments in the user's own local time (or other user-selected type of time) regardless of where the user presently is].

Claim 2:

The combination of Fu and Parker discloses the elements of claim 1 as noted above and furthermore, Fu discloses a daily time grid [Fig 15A].

Claim 3:

The combination of Fu and Parker discloses the elements of claim 1 as noted above and furthermore, Fu discloses wherein the display time zone is established by a user selection through a user interface element [Fig 15A].

Claim 5:

The combination of Fu and Parker discloses the elements of claims 1 and 4 as noted above and furthermore, Fu discloses wherein the message is received from a network service provider [EarthTime module, col 2, lines 17-29].

Claim 7:

The combination of Fu and Parker discloses the elements of claim 1 as noted above and furthermore, Fu discloses the method is carried out in a palmtop computer [col 2, lines 17-29]

Claim 8:

The combination of Fu and Parker discloses the elements of claim 1 as noted above and furthermore, Fu discloses an electronic storage medium storing instructions when carried out on a programmed processor [col 2, lines 17-29]

4. Claims 15, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu in view of US Pat No 6,631,402 issued to Devine et al (hereafter Devine).

Claim 15:

Fu discloses the elements of claims 9, 13 and 14 as noted above but does not disclose wherein the display time zone interface element forming part of the user interface comprises a display time zone menu. Devine discloses wherein the display time zone interface element forming part of the user interface comprises a display time zone menu [Fig 9(c), col 18, lines 18-27]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fu to include wherein the display time zone interface element forming part of the user interface comprises a display time zone menu as taught by Devine for the purpose of providing a convenient method for a user to select a time zone that is supported by the system.

Claim 17:

Fu discloses the elements of claims 9,13 and 16 as noted above but does not disclose wherein the display time zone interface element forming part of the user interface comprises a display time zone menu. Devine discloses wherein the display time zone interface element forming part of the user interface comprises a display time zone menu [Fig 9(c), col 18, lines 18-27]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fu to include wherein the display time zone interface element forming part of the user interface comprises a display time zone menu as taught by Devine for the purpose of providing a convenient method for a user to select a time zone that is supported by the system.

Claim 22:

Fu discloses the elements of claim 19 as noted above but does not disclose wherein the display time zone interface element forming part of the user interface comprises a display time zone menu. Devine discloses wherein the display time zone interface element forming part of the user interface comprises a display time zone menu [Fig 9(c), col 18, lines 18-27]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fu to include wherein the display time zone interface element forming part of the user interface comprises a display time zone menu as taught by Devine for the purpose of providing a convenient method for a user to select a time zone that is supported by the system.

*Response to Arguments*

Applicant's arguments filed 6/14/2005 have been fully considered but are not persuasive.

**Applicant Argues:**

Applicant states in the last paragraph on page 9 “Thus, Fu discloses that when a user travels to a new time zone, an event entered for a different time zone can be updated to the new local time, if desired. There is no disclosure or suggestion in Fu of receiving an input from a user confirming a change in time zone, as required by claim 9.”

**Examiner Responds:**

Examiner is not persuaded. Fu discloses the following in column 5, lines 28-40:

FIGS. 5A-B illustrate setting the local time. Upon arriving in a new time zone, the local time of the system is set to a new time zone. This can be done in an automated fashion, such as by using broadcasted reference signals (e.g., PBS time signals, global positioning satellite signals, or the like), or done manually. The manual approach can be done by the user specifying a new time zone, or by the system detecting that the user has set the system clock to a new time. To avoid the requirement of added hardware, the presently preferred embodiment relies on the user to set the local time, upon arrival at a particular destination. This need be done, of course, only for those users who are traveling across time zones.

The above disclosure by Fu clearly describes the process whereby a user is able to change the local time when the user arrives in a different time zone.

**Applicant Argues:**

Applicant states in the last paragraph on page 10 “Amended claim 1 is similar to amended claim 9. Applicant submits that Fu fails to disclose all of the features of amended claim 1 for reasons similar to those discussed with respect to claim 9. Parker fails to satisfy the deficiencies of Fu. Therefore, Applicants submit that neither Fu nor Parker disclose or suggest, separately or in any combination, that the establishing of the display time zone further comprises receiving an input from a user confirming a change in time zone, as required by amended claim 1. Applicants respectfully request that the rejection of claim 1 be withdrawn.”

**Examiner Responds:**

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Parker is cited in above Office Action for the limitation "an event comprising an end time" and is not mapped in above Office Action to the limitation "receiving an input from a user confirming a change in time zone."

Furthermore, applicant is referred to above response by examiner regarding the rejection of claim 1 limitation "receiving an input from a user confirming a change in time zone."

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux  
August 30, 2005

*Etienne LeRoux*